

Environmental Quality, Air Quality
R307-332
Davis and Salt Lake Counties and
Ozone Nonattainment Areas: Stage II
Vapor Recovery Systems

NOTICE OF PROPOSED RULE

(Repeal)

DAR File No.: 29007

FILED: 09/07/2006, 16:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to delete a rule that is no longer required. The repeal of this rule is part of revisions to rules related to the ozone maintenance plan (see separate filings on Sections R307-101-2 and R307-110-13; and Rules R307-320, R307-325, R307-326, R307-327, R307-328, R307-335, R307-340, R307-341, R307-342, and R307-343 in this issue.) (DAR NOTE: The other filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-328 (DAR No. 29005); R307-335 (DAR No. 29008); R307-340 (DAR No. 29009); R307-341 (DAR No. 29010); R307-342 (DAR No. 29011); and R307-343 (DAR No. 29012) in this issue.)

SUMMARY OF THE RULE OR CHANGE: The Stage II Vapor Recovery System rule was originally established under Section 182(b)(3) of the Clean Air Act (CAA). Stage II Vapor Recovery is no longer required by the CAA after on-board refueling vapor recovery (ORVR) systems began being installed on new vehicles in 1998. A Stage II Vapor Recovery System (VRS) program is very expensive to implement and with a large proportion of the automobile fleet already equipped with ORVR systems, the expected emission reductions no longer justify the expense of implementing Stage II VRS. Therefore, the Air Quality Board is proposing repealing Rule R307-332. This rule will be repealed in its entirety. This repeal is part of revisions to rules related to the ozone maintenance plan (see DAR NOTE above).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** A Stage II Vapor Recovery System program was never implemented; therefore, repealing this rule will not change costs.
- ❖ **LOCAL GOVERNMENTS:** A Stage II Vapor Recovery System program was never implemented; therefore, repealing this rule will not change costs for local governments.
- ❖ **OTHER PERSONS:** A Stage II Vapor Recovery System program was never implemented; therefore, repealing this rule will not change costs for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A Stage II Vapor Recovery System program was never implemented; therefore, repealing this rule will not change costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: A Stage II Vapor Recovery System program was never implemented; therefore, repealing this rule will not change costs for business. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY

AIR QUALITY

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile or Jan Miller at the above address, by phone at 801-536-4136 or 801-536-4042, by FAX at 801-536-0085 or 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov or janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 10/17/2006 at 2:00 PM, DEQ Building, 168 N 1950 W, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/07/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

~~[R307-332. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Stage II Vapor Recovery Systems.~~

~~R307-332-1. Definitions.~~

~~—The following additional definitions apply to R307-332:~~

~~—"Control" of a corporation means ownership of more than 50% of its stock.~~

~~—"Dispense" means to transfer or allow the transfer of gasoline from a stationary gasoline tank into a motor vehicle fuel tank.~~

~~—"Effective" means the percent recovery of gasoline vapors emitted during dispensing of gasoline into motor vehicle fuel tanks.~~

~~—"Installation" means a public, private, or government owned or operated establishment that dispenses gasoline at a single location and is subject to R307-332.~~

~~—"Independent small business marketer of gasoline" means a person engaged in the retail dispensing and marketing of gasoline unless such person:~~

~~(1) is a refiner, whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with such refiner) exceeds 65,000 barrels per day;~~

— (2) controls, is controlled by, or is under common control with such a refiner; or

— (3) is otherwise directly or indirectly affiliated with such a refiner or with a person who controls, is controlled by, or is under a common control with such a refiner (unless the sole affiliation referred to herein is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person); or

— (4) receives less than 50% of his annual income from refining or marketing of gasoline.

"Stage II trigger date" means the date on which is triggered the Contingency Action Level specified in Section IX.D.2.h(2) of the State Implementation Plan.

"Stage II vapor recovery system" means a system that meets the requirements of R307-332-2.

R307-332-2. Specifications and Approval.

— (1) For a Stage II vapor recovery system to be used in Utah to comply with this rule the manufacturer or vendor of the system shall submit to the executive secretary documentation that its Stage II vapor recovery system is capable of recovering 95% of gasoline vapor emissions resulting from dispensing gasoline into the motor vehicle fuel tanks. Minimum documentation consists of the California Air Resources Board (CARB) Executive Order pertaining to the Stage II vapor recovery system in question, including all attachments and exhibits or the findings of a testing program that the executive secretary and EPA determines to be equivalent to a California Air Resources Board Stage II vapor recovery equipment certification.

— (2) The executive secretary shall review the submitted documentation and certify his approval or disapprove use of the system for compliance with R307-332.

— (3) Only Stage II vapor recovery systems approved by the executive secretary may be used to comply with this rule.

R307-332-3. Applicability.

— (1) R307-332 applies to installations:

— (a) located in Salt Lake County or Davis County and

— (b) which dispense more than 10,000 gallons of gasoline per month or, in the case of an independent small business marketer of gasoline, which dispense more than 50,000 gallons of gasoline per month; or

— (c) have ever met the conditions of (a) and (b) above.

— (2) Installations located in Salt Lake County or Davis County and which dispense 10,000 gallons or less of gasoline per month, or in the case of an independent small business marketer of gasoline, which dispense 50,000 gallons or less of gasoline per month are exempt from all the requirements of R307-332 except R307-332-4(6) and R307-332-8(4).

R307-332-4. Compliance Schedule.

— (1) No person shall dispense gasoline from an installation for which R307-332 is applicable except by means of a Stage II vapor recovery system after the dates specified in this subsection.

— (2) The owners or operators of all installations at which construction or gasoline tank replacement commenced after the Stage II trigger date are required to install and operate a Stage II vapor recovery system before dispensing any gasoline.

— (3) Compliance Date.

— (a) Owners or operators of all installations existing before the Stage II trigger date, except independent small business marketers of

gasoline, are required to install and operate a Stage II vapor recovery system no later than:

— (i) May 1 of the year after the Stage II trigger date, in the case of installations which dispense 100,000 or more gallons of gasoline per month or for which construction commenced after November 15, 1990 and before the Stage II trigger date or

— (ii) May 1 of the year two years after the year in which the Stage II trigger date occurred, in the case of installations which dispense 10,001 to 99,999 gallons of gasoline per month.

— (b) Any installation described by more than one clause of (2)(a) shall meet the earliest applicable compliance date.

— (4) In the case of installations existing before the Stage II trigger date for which R307-332 is applicable on the Stage II trigger date, and which are owned by an independent small business marketer of gasoline, which dispense 50,000 or more gallons per month, a three-year phase-in period for the installation and operation of Stage II vapor recovery systems at installations owned by that marketer shall be as follows:

— (a) 33% of such installations in compliance no later than May 1 of the year after the Stage II trigger date;

— (b) 66% of such installations in compliance no later than May 1 of the year two years after the year in which the Stage II trigger date occurred; and

— (c) 100% of such installations in compliance no later than May 1 of the year three years after the year in which the Stage II trigger date occurred.

— (5) Installations existing before the Stage II trigger date, which met the exemption provisions of R307-332-3(2) and which dispense more than 10,000 gallons of gasoline per month or, in the case of an independent small business marketer of gasoline which dispense more than 50,000 gallons of gasoline per month, are required to install and operate a Stage II vapor recovery system no later than six months after the end of the month for which the gallons of gasoline dispensed or sold by the installation exceeds the number of gallons per month specified in this subsection.

— (6) Initially the volume of gasoline sold or dispensed per month for purposes of compliance with R307-332 shall be determined by the average volume dispensed or sold per month over the twenty-four month period immediately preceding the Stage II trigger date. Thereafter, the volume of gasoline sold per month for purposes of compliance with R307-332 shall be determined by a rolling twenty-four month average of the volume dispensed or sold per month. If an installation was inactive for any period during the twenty-four month calculation period, the period shall be extended to include a total of twenty-four months of activity. If an installation has not operated a total of twenty-four months, the average shall be of the portion for which the installation was active. Within 90 days after the Stage II trigger date and by February 1 of every year thereafter, owners or operators of installations shall submit the following information to the executive secretary on forms provided by the executive secretary:

— (a) the name and address of the installation owner;

— (b) the name and address of the installation;

— (c) the number of nozzles and pumps at the installation;

— (d) the California Air Resources Board Executive Order Number or identification of non-California Air Resources Board certification approved by the executive secretary of any Stage II vapor recovery systems or portions of systems already installed;

— (e) a compliance schedule, if applicable; and

— (f)(i) in the case of the submittal due 90 days after the Stage II trigger date, the installation's monthly and annual gasoline throughput

for twenty-four months of active operation immediately preceding the Stage II trigger date or

(ii) in the case of the submittal due on February 1 of every year thereafter, the gasoline throughput for each month of the previous calendar year.

R307-332-5. Installation.

(1) Owners or operators of installations are required to submit, to the executive secretary, Stage II vapor recovery system installation specifications no later than thirty days prior to installation. The submittal shall include the following information:

(a) the name, address, and phone number of the installation owner;

(b) the name, address, and phone number of the installation;

(c) number of gasoline nozzles and pumps at the installation;

(d) the California Air Resources Board Executive Order Number or identification of non-California Air Resources Board certification approved by the executive secretary of the Stage II vapor recovery system to be installed;

(e) the certification number issued by the executive secretary to the manufacturer or vendor of the Stage II vapor recovery system to be installed to verify approval of the system for use to comply with this rule;

(f) a site plan of all tanks, dispensers, and underground piping; and

(g) the date or dates on which construction and installation of the Stage II vapor recovery system is expected to occur.

(2) Stage II vapor recovery systems shall be installed in accordance with manufacturer specifications and the submittal described in (1) above.

(3) The installation owner must verify that the Stage II vapor recovery system installed at least meets the requirements of the following tests for which specifications may be obtained from the executive secretary:

(a) AQB Leak Test Procedure (after "Bay Area ST-30 Leak Test Procedure") or AQB Pressure Decay/Leak Test (after "San Diego Test Procedure TP-92-1 Pressure Decay/Leak Test Procedure"); and

(b) AQB Pressure Drop vs Flow/Liquid Blockage Test Procedure (after "San Diego Test Procedure TP-91-2 Pressure Drop vs Flow/Liquid Blockage Test Procedure").

(4) The executive secretary may approve alternatives to the tests specified in (3) above, if requested by the owner or operator and approved by EPA.

(5) The tests specified in (3) and (4) above shall be performed after notifying the executive secretary as specified in R307-332-11. The test results must be dated and include the name, address, and phone number of the person that performed the tests. Initial testing shall be conducted after the above ground equipment is installed, and must be completed in time to meet the compliance schedule specified in R307-332-4. Testing shall be conducted at the gasoline dispensing pumps.

(6) A copy of the results of tests conducted in accordance with (3) above shall be maintained on the premises of the installation.

R307-332-6. Installation Owner/Operator and Employee Training.

(1) Owners or operators of installations shall provide every installation employee, including the operator, that is responsible for the use, operation, or maintenance of a Stage II vapor recovery system with training on the purpose, effects, and operation of the installation's Stage II vapor recovery system as specified by the system manufacturer.

(2) Owners or operators of installations shall provide at least one employee that is responsible for the maintenance of a Stage II vapor

recovery system with training specified in (1) above and on the maintenance schedules and requirements, manufacturer contacts for parts and service, and warranty provisions of the installation's Stage II vapor recovery system as specified by the system manufacturer.

(3) No installation operator or employee may operate or be responsible for the operation of a Stage II vapor recovery system prior to completion of the training specified in (1) above.

(4) No installation operator or employee may repair, authorize or supervise repair, or perform, authorize, or supervise maintenance of a Stage II vapor recovery system prior to completion of the training specified in (2) above.

(5) Proof of the training specified in (1) above shall be maintained on the installation premises for each installation operator and employee for which such training is required.

(6) Proof of the training specified in (2) above shall be maintained for each installation operator and employee for which such training is required.

(7) Records of training specified in R307-332-6 will be made available to representatives of the executive secretary upon request.

R307-332-7. Operation and Maintenance.

(1) A copy of the operating and maintenance documentation provided by the Stage II vapor recovery system manufacturer shall be maintained at the installation and be available to installation employees.

(2) The system shall be operated and maintained in accordance with operating and maintenance documentation provided by the Stage II vapor recovery system manufacturer.

(3) Modification or repair of Stage II vapor recovery systems shall be conducted in accordance with manufacturer specifications and using parts approved by California Air Resources Board or the executive secretary.

(4) The owner or operator of a Stage II vapor recovery system shall upgrade the system to comply with any modification of the California Air Resources Board executive order for the system no later than six months after the California Air Resources Board executive order for the system is modified.

(5) The owner or operator of the Stage II vapor recovery system shall maintain a record of all maintenance and repairs for the system. The record shall include a general description of any parts replaced or repaired, the date of the repair or replacement, the manufacturer and part number of any part replaced, a general description of the part location in the system, and a description of the problem.

R307-332-8. Records.

Owners or operators of installations shall maintain up to date copies of:

(1) Stage II vapor recovery system installation, testing documentation, and maintenance records as long as the system is in place;

(2) Stage II vapor recovery system inspection and compliance reports and records filed in chronological order for the preceding two years;

(3) records of current employee Stage II vapor recovery system training; and

(4) records of the volume of gasoline delivered and dispensed each month of the preceding twenty-four month period.

R307-332-9. Pump Labeling Requirements.

(1) The owner or operator of any installation that dispenses gasoline by means of a Stage II vapor recovery system is required to label pumps as follows:

- (a) The label letters shall be in block letters of no less than 20-point type, at least 1/16 inch stroke (width of type), and of a color that contrasts with the label background color.
- (b) The label shall be affixed to the front upper half of the vertical surface of the gasoline pump on each side with gallonage and dollar amount meters from which gasoline can be dispensed and shall be clearly readable to the pump user.
- (c) Information on the label shall include:
 - (i) a general explanation of how the Stage II vapor recovery system works and how it should be operated;
 - (ii) notice that the user should not attempt to overfill the motor vehicle gas tank;
 - (iii) notice that the purpose of Stage II vapor recovery systems is to minimize gasoline emissions from motor vehicle refueling; and
 - (iv) the name and telephone number of the Division of Air Quality.

R307-332-10. Self Inspections.

- (1) The owner or operator of an installation shall ensure that the following tests and inspections are performed as specified.
 - (a) After notification as specified in R307-332-11, one of the tests specified in R307-332-5(3)(a) or another test or tests approved by the executive secretary and EPA, shall be conducted for every Stage II vapor recovery system at each installation every third year after the initial test required by R307-332-5(3)(a) or at any installation that the executive secretary has any indication that leaks may exist.
 - (b) After notification as specified in R307-332-11, the test specified in R307-332-5(3)(b), the AQB Dynamic Back Pressure Test, or another test or tests approved by the executive secretary and EPA, shall be conducted for every Stage II vapor recovery system at each installation every fourth year after the initial test required by R307-332-5(3)(b) or at any installation that the executive secretary has any indication that a blockage may exist.
 - (c) After notification as specified in R307-332-11, a functional test shall be conducted every year on any and all auto shut off mechanisms and flow prohibiting mechanisms on all dispensing nozzles to determine if the mechanisms are functional.
 - (d) Visual inspections shall be conducted at a frequency sufficient to ensure:
 - (i) that all the Stage II vapor recovery equipment is present, is maintained in the certified configuration, and is in proper working order, including, but not limited to: nozzles and nozzle parts (facecone, bellows, springs, latches, check valves), hoses and hose hanger/retractors, flow limiters, swivels, collection units, control panels, system pumps, processing units, vent pipes and any and all other system related parts;
 - (ii) compliance with all Stage II vapor recovery system label requirements as specified in R307-332-9; and
 - (iii) that all Stage II vapor recovery system equipment is being operated properly, including dispensing units, processors, handling units, and any other system related equipment.
- (2) Stage II vapor recovery systems or portions of Stage II vapor recovery systems found to be malfunctioning shall be taken out of service until repaired.

R307-332-11. Test Notification Requirements.

- (1) The owner or operator of an installation shall notify the executive secretary in writing at least thirty days before conducting a test to comply with R307-332-5(3) or (4), or R307-332-10(1)(a), (b) or (c).
- (2) The notification required in (1) above shall include:

- (a) the name, address, and phone number of the installation;
- (b) the name of the test;
- (c) the name and telephone number of the person that will conduct the test; and
- (d) the time and date on which the test shall be conducted.
- (3) If the results of a test listed in (1) above do not show compliance with standards specified in the appropriate test specification, the owner or operator of an installation shall notify the executive secretary by five P.M. on the first working day after the test. Notification shall include the name, address, and phone number of the installation and the name of the test.

KEY: air pollution, motor vehicles, gasoline, ozone
Date of Enactment or Last Substantive Amendment: September 15, 1998
Notice of Continuation: August 5, 2003
Authorizing, and Implemented or Interpreted Law: 19-2-101, 19-2-104]

Environmental Quality, Air Quality

R307-335

Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent Cleaning Operations

NOTICE OF PROPOSED RULE

(Amendment)

DAR File No.: 29008

FILED: 09/07/2006, 16:07

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the rule by deleting obsolete language, adding language to align the rule with the new ozone maintenance plan, and making other minor grammatical corrections. This amendment is part of revisions to rules related to the ozone maintenance plan (see separate filings on Sections R307-101-2 and R307-110-13; and Rules R307-320, R307-325, R307-326, R307-327, R307-328, R307-332, R307-340, R307-341, R307-342, and R307-343 in this issue.) (DAR NOTE: The other filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-320 (DAR No. 29002); R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-328 (DAR No. 29005); R307-332 (DAR No. 29007); R307-340 (DAR No. 29009); R307-341 (DAR No. 29010); R307-342 (DAR No. 29011); and R307-343 (DAR No. 29012) in this issue.)

SUMMARY OF THE RULE OR CHANGE: References to Salt Lake and Davis Counties were replaced by the term "ozone maintenance area". Other grammatical corrections were made throughout Rule R307-335 to improve the readability of the rule. Obsolete language was deleted throughout Rule R307-335. In addition, the applicability, testing, and